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8 MARTIN AND VICTORIA ROLON

9 UNITED STATES BANKRUPTCY COURT
10 EASTERN DISTRICT OF CALIFORNIA
11 SACRAMENTO

12 In Re:

CASE NO. 10-47712
CHAPTER 13

13 MARTIN ROLON and
14 VICTORIA ROLON,

DCN-TOG-3

15 Debtors.

DATE: May 24, 2011
TIME: 2:00 p.m.
PLACE: U.S. Bankruptcy Court
501 I St., 6th Fl., Rm. #33
Sacramento, CA 95814

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19 **MOTION TO VALUE COLLATERAL-**
20 **(NOTE AND SECOND MORTGAGE HELD BY WELLS FARGO BANK, N.A.)**

21 Debtors, Martin and Victoria Rolon, by and through Thomas O. Gillis, their
22 attorney of record, move the Court to value the collateral securing Debtor's indebtedness
23 to **WELLS FARGO BANK, N.A.**, to wit, debtors' second deed of trust on the real
24 property located at **168 Central Street, Maxwell, CA**. This motion is based on the
25 following:
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1 1. **The Debtor values the collateral at \$48,000** (see Declaration of Debtor
2 filed herein).

3 2. **First Mortgage: CitiMortgage** holds a note on said property secured by a
4 valid Deed of Trust. The balance of the note is approximately **\$108,500**.
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6 3. **Second Mortgage: Wells Fargo Bank, N.A.** has recorded a Deed of Trust
7 securing a note for approximately **\$51,100**. Said Deed of Trust was recorded after the
8 Deed of Trust referred to supra.
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10 4. The holder of the senior Deed of Trust referred to in #2 is owed an amount
11 exceeding the value of the property by **\$60,500**, leaving no equity to secure the second
12 Deed of Trust referred to in #3 supra.
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14 Wherefore, **debtors pray that the Court determine the debt of WELLS FARGO**
15 **BANK, N.A.** to be **wholly unsecured**, and classify the holder of that debt as a general
16 unsecured creditor.
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18 Based on the foregoing, Debtors respectfully request that this motion be granted.
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20 Dated: April 21, 2011
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23 ATTORNEY AT LAW
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